



Washington State
Department of Ecology
Spill Prevention, Preparedness, and Response Program
P.O. Box 47600, Olympia, WA 98504-7600
Office Phone: (360) 407-7455
Fax: (360) 407-7288 or toll free 1-800-664-9184

Proof of Financial Responsibility

Chapter 173-187 WAC

Instructions

1. Owner or operator means: in the case of a vessel, any person owning, operating, or chartering by demise, the vessel; in the case of an onshore or offshore facility, any person owning or operating the facility; and in the case of an abandoned vessel or onshore or offshore facility, the person who owned or operated the vessel or facility immediately before its abandonment.
2. Submit completed Washington Certificate of Financial Responsibility (COFR) application by selecting one of the following methods:
 - a. Ecology COFR webpage located here:
 - b. Mail a completed application to:
Washington State Department of Ecology, Northwest Regional Office
Spill Prevention, Preparedness, and Response Program
PO Box 330316, Shoreline, WA 98133-9716
3. Application Timeline: Ecology will review and issue a Washington COFR within 30 calendar days of receiving a complete application, which must include acceptable evidence of financial responsibility.
4. Renewal Timeline: Washington COFRs are good for two years. Renewal applications must be submitted at least 30 calendar days, but no more than 90 calendar days, before the current Washington COFR expires. Ecology will review and issue a new Washington COFR within 30 calendar days of receiving a complete application.
5. Specific instructions relating to the application process:
 - a. General information section: Must be completed by all applicants.
 - b. Description of covered facility(ies) or vessel(s) section: Must be completed by all applicants.
 - I. List all facility(ies) or vessel(s) to be covered by this Washington COFR application,
 - II. Facility address or vessel country of registry,
 - III. Facility or vessel identifying description, and
 - IV. Facility or vessel identifying number (VIN, IMO, official number), if applicable.

- c. Standardized forms are available on the Ecology COFR application webpage for most financial responsibility methods. Facility or vessel owners or operators may use these standard forms. If alternate forms are used, the information they provide must fulfill all requirements of 173-187 WAC. Documentation of proof of financial responsibility must be attached to the application. These are the acceptable methods of proving financial responsibility:
 - I. Insurance (ECY form 070-752)
 - II. Surety Bond (ECY form 070-754)
 - III. Guarantee (ECY form 070-757)
 - IV. Letter of Credit (ECY form 070-756)
 - V. Certificate of Deposit Agreement (no pre-formatted agreement is provided)
 - VI. Self-insurance, backup must include: backup calculations and 10K as filed with the SEC or audited annual financial statements (ECY form 070-755)
 - VII. Other proof of financial responsibility documentation that is acceptable to Ecology

NOTE: Use of self-insurance requires quarterly submission of Form 10Q within 2 calendar months after the quarter ends, including affidavits attesting that the amounts of assets located in the United States are equal to the applicable amount required AND annual submission of Form 10K within 4 calendar months after the applicant's fiscal year ends, including affidavits attesting that the amounts of assets located in the United States are equal to the applicable amount required. If Form 10Q and 10K are not available, quarterly and annual audited financial statements may be submitted.

- d. If a Surety Bond, Guarantee, Letter of Credit, or Certificate of Deposit is used to prove financial responsibility, the applicant must establish a standby trust fund. The Standby Trust Agreement Form (ECY form 070-753) that is available on Ecology's COFR webpage may be used. The applicant (Grantor) and the trustee must sign the agreement, which must be witnessed. The witness must also sign the agreement. A completed Standby Trust Agreement must be attached to the Washington COFR application.
- e. If a Guarantee is used to prove financial responsibility, the Guarantor must provide self-insurance backup calculations and provide forms 10K and 10Q as filed with the SEC or audited annual and quarterly financial statements. These documents must be attached to the Washington COFR application. The Chief Financial Officer Letter Agreement Form (ECY form 070-755) may be used.
- f. Attach an Attestation Form
- g. Attach a Delegation of Authority Form, if needed

6. Miscellaneous instructions:

- a. If a question does not apply, answer "not applicable" or "NA."
- b. Incomplete applications will not be processed until Ecology receives additional information needed for processing.
- c. If additional space is required, supplemental sheets may be attached to the application.

Please contact the Financial Responsibility Unit at Diana.Davis@ECY.WA.GOV or 425-758-0483 if you have any questions.